

Docket No.: XACTP015

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re the application of

Schweitzer et al.

Application No. 09/552,818

Filed: 04/20/2000

For: METHOD AND APPARATUS
FOR SESSION RECONSTRUCTION

Group Art Unit: 2142

Examiner: Thompson, Marc D.

Attorney Docket No. XACTP015

Date: January 26, 2004

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Non Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on the above date.

Signed: _____

Erica L. Farlow

Response To Request under 37 C.F.R. 1.105

Mail Stop Non Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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FEB 04 2004

Technology Center 2100

Sir:

Following is a list of information requested by the Examiner in a paper mailed 09/24/03.
(such information has been itemized by paragraph per the paper mailed 09/24/03).

2a. With respect to the request for any/all currently and/or previously associated trade name(s), and the earliest available user manuals of any goods or services the claimed matter is embodied in; the information requested to be submitted is unknown and/or is not readily available. Moreover, applicant again draws the Examiner's attention to the dated Appendices A-F previously submitted on December 11, 2001.

The Examiner should note that the language "claimed matter is embodied in" implies that information is only requested regarding trade name(s), and the earliest available user manuals of any goods or services, wherein *all independently* claimed matter is embodied therein. To construe otherwise would require citing trade name(s), and goods or services that embody possible a single phrase or word of the claims. If applicant is construing such request incorrectly, and the office wishes to be inundated with paperwork in such manner, the Examiner is respectfully requested to clarify what is being requested.

2b. With respect to the dates initially published and copies of the earliest available associated descriptive documentation, i.e., white papers, sale brochures, and advertising/promotional literature, prepared for any goods or services the claimed subject matter is embodied in; the information requested to be submitted is unknown and/or is not readily available.

The Examiner should note that the language "copies of the earliest available associated descriptive documentation" refers to those documents that would constitute a bar to patentability (i.e. a disclosure, offer for sale, etc.). To construe otherwise would require citing confidential information, trade secrets, etc. If applicant is construing such request incorrectly, the Examiner is respectfully requested to clarify what is being requested.

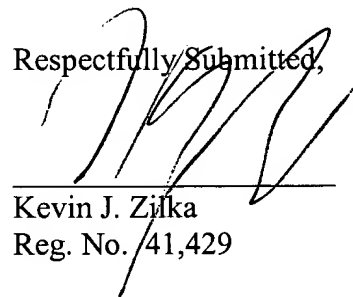
Again, the Examiner should note that the language "claimed matter is embodied in" is being construed as *all independently* claimed matter is embodied in.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. For payment of the fees due in connection with the filing of this paper, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1351 (Order No. XACTP015). A duplicate copy of the transmittal is enclosed for this purpose.

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San Jose, California 95172-1120

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Respectfully Submitted,



Kevin J. Zilka
Reg. No. 41,429